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8 || Attorneys for Defendant Facebook, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 ANGEL FRALEY; PAUL WANG; SUSAN
14 MAINZER; JAMES H. DUVAL, a minor, by
15 and through JAMES DUVAL, as Guardian ad
16 Litem; and W.T., a minor, by and through
RUSSELL TAIT, as Guardian ad Litem;
individually and on behalf of all others
similarly situated,

Plaintiffs,

V.

FACEBOOK, INC., a corporation; and DOES 1-100.

Defendants.

Case No. 11-CV-01726 RS

**DECLARATION OF CHRISTOPHER
PLAMBECK IN SUPPORT OF JOINT MOTION
FOR PRELIMINARY APPROVAL OF REVISED
SETTLEMENT**

DATE: October 25, 2012

TIME: 1:30 p.m.

DEPT.: 3

JUDGE: Hon. Richard Seeborg

1 I, Christopher Plambeck, hereby declare as follows:

2 1. I am employed as Director, Monetization Analytics, for Defendant Facebook, Inc.
 3 (“Facebook”). I have been employed by Facebook for more than two years. In my current role, I
 4 manage a team responsible for supporting various business functions, including partnering with
 5 product and engineering teams to provide data insights about Facebook’s business strategy and
 6 products. Based on my overall experience working for Facebook, I also have general knowledge
 7 of the functioning and layout of the Facebook website, certain of the data that Facebook
 8 maintains, and Facebook’s marketing products, including Sponsored Stories. I have personal
 9 knowledge of the facts set forth herein, and, if called as a witness, I could and would competently
 10 testify thereto.

11 2. Facebook logs and maintains certain data in order to operate and analyze the
 12 functioning and performance of the Facebook website. Much of this data is generated by
 13 Facebook’s users (“Users”), who upload and share content—status updates, profiles, photographs,
 14 videos, comments, messages, and more—all of which Facebook stores for the use of its Users.
 15 Facebook’s Users generate an average of 2.7 billion “Likes” and comments each day, and
 16 Facebook currently stores more than 100 petabytes (100,000 terabytes or 100 quadrillion bytes)
 17 of photos and videos.

18 3. The statements that follow are based on my review of the data that Facebook
 19 maintains in the ordinary course of its business, and, in some instances, the queries performed of
 20 that data.

21 **Name and Profile Picture Changes**

22 4. Facebook requires Users to enter their name in their basic profile information.
 23 Facebook also gives Users the ability to upload and select profile pictures, which Users may
 24 change at any time. A Profile picture is not required to be an actual image of the User, and some
 25 Users do not use photos of themselves as their profile pictures.

26 5. To the best of my knowledge, Facebook has no practical ability to verify whether
 27 (i) each User has supplied his or her legal name, or a derivative thereof, or whether the provided
 28

1 name otherwise bears any relation to the User's actual name; or (ii) each User's profile picture
 2 contains his or her likeness.

3 **Sponsored Story Impressions**

4 6. Facebook's records indicate that, between January 25, 2011, and August 15, 2011,
 5 more than 115 billion Sponsored Story impressions in which a User's name or profile picture
 6 appeared were delivered to Users who Facebook can reasonably ascertain were located in United
 7 States.

8 **Information Regarding Class**

9 7. Facebook's records indicate that, between January 25, 2011 and August 31, 2012,
 10 approximately 123,868,976 Users who Facebook can reasonably ascertain were located in the
 11 United States appeared in Sponsored Stories. Approximately 19,761,991 of these Users appear to
 12 have been under the age of 18, based on User-supplied birthdates.

13 8. Of the approximately 123.9 million Users noted in Paragraph __ above,
 14 approximately 119 million of them appear to be active users based on Facebook's records. There
 15 is at least one email address associated with each of these accounts. For deleted accounts,
 16 Facebook does not have their email addresses. For approximately 11.1% of the 123.9 million
 17 User accounts, Facebook has received at least one "bounce-back" message when an email was
 18 sent to an email address associated with the account. However, there may be overlap between the
 19 approximately 11.1% of accounts for which Facebook received "bounce-back" messages, on the
 20 one hand, and the approximately 4.9 million User accounts that are deleted or disabled.

21 **Revenue**

22 9. Facebook's records indicate that, between January 25, 2011 and August 31, 2012,
 23 the amount charged for Sponsored Stories in which a User's name and/or profile picture appeared
 24 and that were delivered to Users that Facebook can reasonably ascertain are located in the United
 25 States, before any discounts or credits, was \$233,792,612.

26 **User Visits to Help Center Pages**

27 10. Facebook's records indicate that, between October 15, 2011 and March 12, 2012,

28

1 the following number of Users who Facebook can reasonably ascertain were located in the United
 2 States visited the specified pages in the Facebook Help Center: (i) 105,423 unique Users visited
 3 the “Interacting with Ads and Sponsored Stories” webpage, located at
 4 <https://www.facebook.com/help/?page=226611954016283>; and (2) 32,633 unique Users visited
 5 the “Sponsored Stories” webpage, located at
 6 <https://www.facebook.com/help/?page=213208552035450>.

7 **Friend Data**

8 11. Facebook allows—but does not require—Users to indicate if they are related to
 9 other Facebook Users. As of December 27, 2011, Facebook’s records indicate that over 6 million
 10 Users who Facebook can reasonably ascertain are located in the United States, and whose User-
 11 supplied birthdates indicate they are under the age of 18, are Friends with one or more Users who
 12 they have indicated are their parents.

13 **Page “Like” and “Unlike” Data**

14 12. Through privacy settings, Facebook allows Users to specify whether certain
 15 categories of their Facebook Page Likes will be shown publicly, only to their Friends, to a custom
 16 group of Friends, or to “Only Me.” The “Only Me” setting means that a User’s Page Likes are
 17 visible only to the User him/herself.

18 13. Facebook’s records indicate that, as of April 7, 2012, more than 5 million Users
 19 who Facebook can reasonably ascertain were located in the United States had set their privacy
 20 settings for at least one category of their Page “Likes” to “Only Me.” Facebook’s records
 21 indicate that over 650,000 of these Users were under the age of 18, as of April 7, 2012.

22 14. Facebook’s records for just 10 selected Pages indicate that, between June 1, 2011,
 23 and December 31, 2011, Users “Unliked” these 10 selected Facebook Pages more than 1.3
 24 million times. (The Facebook Pages reviewed were for Walmart, Tough Mudder, ESPN, Levi’s,
 25 Warrior Dash, Kohl’s, Sony Electronics, AT&T, Captain Morgan, and Tide.) Based on sampled
 26 data, Facebook’s records also indicate that, between July 1, 2011, and December 31, 2011, Users
 27 worldwide “Liked” more than 20 billion pages and “Unliked” more than 2 billion Pages.

28

1 15. Facebook's records indicate that, every day, more than 300,000 Users who
2 Facebook can reasonably ascertain were located in the United States click the "Like" button in
3 Sponsored Stories. These records also indicates that, every day, tens of thousands of Users click
4 the "Like" button after clicking through to the Page identified in a Sponsored Story or within 7
5 days of seeing a Sponsored Story for such a Page.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed on October 5, 2012 at Menlo Park, California.

/s/ Christopher Plambeck
Christopher Plambeck

1 **ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))**

2 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
3 document has been obtained from the signatory.

4 Dated: October 5, 2012

COOLEY LLP

5 _____
6 /s/ Michael G. Rhodes
Michael G. Rhodes

7 Attorneys for Defendant Facebook, Inc.
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